

Discrimination Complaint Processing Update

**From the Deputy Assistant Secretary
for Resolution Management
Office of Resolution Management**



From the Deputy Assistant Secretary

December 2002



"Never Too Early - Never Too Late"

I recently met with a group of VA executives to discuss EEO complaint processing issues. Some executives were uncertain about their management officials, as well as themselves, becoming involved with issues after individuals have contacted ORM.

The answer to the question "Should management get involved?" is YES! Not only should management get involved, management must get involved in trying to resolve the issue as soon as possible and at the lowest level.

These issues always belong to the aggrieved and local management. As the complaint advances within the system, VA officials outside local management make decisions with or without input from local management. If the issues are settled locally, the aggrieved and local managers maintain control of the outcomes.

ORM will counsel, investigate, render procedural decisions and help "facilitate" resolution. The sooner management responds after becoming aware of a conflict, the better. Remember the purpose of counseling is to resolve the dispute during the informal stage. This can't be done without the active involvement of local managers.

There are a few things managers should never say to the aggrieved. They include:

- "You should not file a complaint"
- "This is not an EEO issue"
- "You shouldn't have filed that complaint"

Managers should show an interest in, and a desire to discuss and resolve the issues. The aggrieved will be told by the ORM counselor, that their

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issues will continue to be processed by ORM until or unless they are resolved locally.

Its never too early to get involved in resolving issues. The only time its too late is after a Final Agency Decision (FAD) or an EEOC decision.

Lets be as proactive as possible in addressing work place disputes.

/s/
James S. Jones

Highlights of Regulations and Programs

FY 2002 VA EEO Complaint Processing Activity Update

Complaint Activity:

- ★ 2,258 formal complaints filed during FY 2002
 - 5% increase from fiscal year 2001
- ★ 1,518 investigations completed in FY 02
 - 88% of investigations were completed within 180 days
 - 4% of investigations were completed between 181 and 360 days
 - 8% of investigations were completed in more than 361 days
- ★ 4,772 individuals counseled
 - 10% decline from fiscal year 2001
 - 95% of individuals counseled within 30 days

Alternative Dispute Resolution (ADR) Activities:

- ★ 6% of aggrieved individuals elected ADR during the informal stage
 - 8% elected it in FY 01
- ★ 2% of aggrieved elected ADR during the formal stage
 - 3% elected in FY 01

Note: The increase or decrease in the number of EEO complaints is heavily dependent on the facility dispute resolution efforts.

Most Frequently Cited Claims for Complaints:

- ★ Non-sexual harassment (27%)
- ★ Reprisal (20%)
- ★ Non-selection (18%)
- ★ Race (Black/African-American) 18%
- ★ Disability (Physical) 12%
- ★ Age (11%)
- ★ Sex (female) 10%
- ★ Termination/Removal (8.2%)
- ★ Sex (male) 6%
- ★ Terms/Conditions of Employment (4.9%)
- ★ Assignment of Duties (4.9%)
- ★ Time and Attendance (4.5%)
- ★ Reasonable Accommodation (3.9%)

For additional information on a specific VA facility, please contact our Field Offices at **1 888 RES-EE01** (1 888 737-3361). For the hearing-impaired, call 1 888 626-9008 TDD.

Fast Fact

Approximately 52 percent of individuals who contacted an ORM EEO Counselor did not file a formal complaint. *ORM is committed to assisting the Department in maintaining and improving this outstanding rate.*

ORGANIZATIONAL CLIMATE ASSESSMENT PROGRAM

We all want to feel good about the place in which we work. Research indicates that a workplace that fosters a healthy, safe and happy climate stands to gain tangible benefits. Employees who are satisfied with their work environment tend to be more creative, productive, and motivated. VA can make an impact on how its employees feel by taking positive steps to create a work environment that values the employee.

The Organizational Climate Assessment Program (OCAP) is designed to assist VA organizations in identifying issues that are important to employees and directly impact how they perform their duties. The climate assessment teams are comprised of employees from the Office of Resolution Management (ORM) and other VA employees with backgrounds in equal employment opportunity, human resources, labor relations, and psychology.

OCAP has two major components; (1) Web-based Organizational Climate Surveys and (2) Focus Group Interviews. Web-based organizational climate surveys are used to obtain employees' opinions about their workplace environment. Surveys allow a large number of employees to participate in their organizational climate assessment.

Focus Group interviews allow face-to-face dialogue among employees who are systematically selected to participate. Focus Groups consist of supervisory and non-supervisory employees. In addition, time is allotted for employees who were not selected but volunteer to participate in the assessment.

ORM has a partnership with the Veterans Health Administration's (VHA) National Center for Organization Development (NCOD). The purpose of the partnership is to utilize the expertise of NCOD's Human Behavior Specialists and obtain endorsement for the survey instrument and the information collected from the survey. Survey results are analyzed by NCOD.

OCAP is a proactive approach to assessing workplace environments and possibly preventing EEO complaints and grievances by early intervention and resolution of employees' concerns and issues. In addition, OCAP may contribute to improved workplace morale, increased productivity, improved communication, and cost avoidance to the agency that will result in quality service to our nation's veterans.

For more information on OCAP, contact LaMont Johnson or Mary Ellen Garcia, OCAP Program Coordinators, at (202) 501-2800 or (605) 617-2740 respectively.

NEW WEB PAGE EMPHASIZES EEOC ROLE IN COORDINATING GOVERNMENT-WIDE NONDISCRIMINATION EFFORTS

WASHINGTON - Cari M. Dominguez, Chair of the U.S. Equal Employment Opportunity Commission (EEOC), today announced a new web page describing the agency's role in coordinating the federal government's efforts to eradicate discrimination in the American workplace. The web page, which may be accessed through www.eeoc.gov, highlights the EEOC's leadership in ensuring that federal agencies work together in opposition to workplace discrimination.

"The federal effort to root out workplace discrimination requires that the government speak with one voice, so that both workers and employers know what their rights and obligations are," said Chair Dominguez. "This new page gathers in one location all of the sources and resources that will inform and instruct on coordination efforts in a user-friendly, accessible manner."

The new web page, entitled "EEOC Coordination of Federal Government Equal Employment Opportunity in the Workplace," contains links to legal materials that can help federal agencies coordinate their efforts, including:

- Executive Order 12067, through which EEOC is required to review federal government regulations and other policy documents that may affect the enforcement of federal EEO laws and the rights and duties of workers and employers;
- 29 C.F.R. Part 1690, "Procedures on Interagency Coordination of Equal Employment Opportunity Issuances," which contains procedures for coordination between EEOC and other federal agencies having responsibility for enforcement of federal statutes, Executive Orders, regulations and policies that require equal employment opportunity;
- 29 C.F.R. Part 1691, "Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance," which creates the rules for coordinating enforcement of Title VII and other federal statutes; and
- Section 107(b) of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12117(b), which requires coordination of disability discrimination charges that may be filed under either the ADA or the Rehabilitation Act, in order to avoid duplication of effort and prevent imposition of inconsistent or conflicting standards.

(Excerpt from EEOC news release of October 11, 2002)

Did You Know?



In addition to processing EEO complaints, the Office of Resolution Management (ORM) also offers the following programs and services:

- Assistance in developing an Alternative Dispute Resolution (ADR) program at your facility.
- ADR awareness training.
- Trained mediators.
- Mediation Training Courses for executives and employees.
- Organization Climate Assessment Program (OCAP)
OCAP is designed to assist VA organizations in identifying issues that are important to employees and directly impact how they perform their duties.
- Quarterly Root Cause Analysis Reports that provide information to senior VA officials and field directors pertaining to issues, identified during the discrimination complaint process, that do not appear to be discriminatory in nature.
- The Web Based Tracking System (WBTS) allows fast retrieval and sharing of workload data by ORM and EEO program managers and provides EEO program managers access to discrimination complaint reports regarding their facilities.

In addition to its headquarters and support offices, ORM has 11 field offices and 12 satellite offices located throughout the U.S.

For more information on our programs and services, please call
1 888 737-3361
(1-888 RES-EE01)

For the Hearing-Impaired, please call
1 888 626-9009 TDD

Or visit our Web site at <http://vaww.va.gov/orm>

**NOTE FROM
THE
DEPUTY ASSISTANT SECRETARY
FOR RESOLUTION MANAGEMENT**

We have just completed a very challenging and very successful year for ORM. During the past year we were recognized as a leader in federal sector EEO complaint processing activities. We improved our timeliness for counseling to 25 days and are nearing the EEOC standard of 180 days for conducting investigations. We successfully completed the first National Leaders Conference; launched the Organizational Climate Assessment Program (OCAP); and expanded our mediation efforts with VHA and VBA. We also made strides in becoming a more effective and efficient organization. Our success in becoming a recognized and important resource to the Department is based on teamwork, cooperation, and our ability to adapt to our changing role as we strive to meet and exceed expectations.

We will continue to build upon the successful foundation we have laid by identifying areas where we can improve our services to you and your organizations and in doing so, add value to the Department. We have already begun this process by initiating our organizational realignment to better utilize our resources and improve the services we provide.

Success is the result of an ongoing process of striving to be the best. It requires dedication, adaptability and a continuous focus, on you, our customers.

If you would like additional information concerning recent EEOC changes, adverse inference, discrimination law, rights and responsibilities, and ORM responsibilities and procedures, please access ORM's Website on the Intranet at <http://vaww.va.gov/orm> or the Internet at <http://www.va.gov/orm>.

The Office of the Deputy Secretary for Resolution Management publishes Discrimination Complaint Processing Update quarterly. Please E-mail Terry Washington, External Affairs Program Analyst or Tyrone Eddins, External Affairs Program Manager, to submit recommendations, suggestions, or comments on the information presented in this newsletter. We can be reached at (202) 501-2800 or by fax at (202) 501-2885.